

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. 04- ____
v.	:	DATE FILED: October 19, 2004
PAUL BEALL	:	VIOLATIONS:
	:	18 U.S.C. § 1001 (false statements – 5
		counts)
		Notice of additional factors

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

1. Defendant **PAUL BEALL** was employed by the Federal Aviation Administration (“FAA”) as an air traffic controller and was assigned to work at the Philadelphia International Airport. As an air traffic controller, the defendant’s duties and responsibilities included issuing speed, altitude, and directional instructions to pilots to ensure public safety and prevent collisions.
2. The FAA has established health standards and medical requirements for FAA air traffic controllers. The purpose of these standards is to protect the crew and passengers of airplanes and the general public by identifying air traffic controllers who may have medical or behavioral conditions that may impair their ability to perform their duties.
3. The FAA requires that its air traffic controllers:
 - a. have regular FAA medical examinations with a physician who is authorized by the FAA;

- b. inform their airport management and the FAA Flight Surgeon of any health problems and the results of medical examinations occurring between the FAA examinations; and
- c. release all medical information which may be required in determining current medical status to the FAA.

4. The FAA medical examination is performed by an Airman Medical Examiner (“AME”) who is a physician authorized by the FAA Flight Surgeon. The examination requires each air traffic controller to complete a written form called the “Application for Airman Medical Certificate,” also known as the FAA Form 8500-8, which includes the following questions:

- a. Whether the applicant has ever been diagnosed with, had, or presently has any stomach, liver or intestinal condition;
- b. Whether the applicant has ever been diagnosed with, had, or presently has high or low blood pressure;
- c. Whether the applicant has visited a health professional within the last three years;
- d. Whether the applicant is currently using any prescription or non-prescription medication;
- e. Whether the applicant has any convictions involving driving while intoxicated by, while impaired by, or while under the influence of alcohol or a drug; and
- f. Whether the applicant has any convictions or administrative actions involving an offense which resulted in the denial, suspension, cancellation, or revocation of driving privileges or which resulted in attendance at an educational or rehabilitation program.

5. The FAA considers the responses to the questions set forth above in paragraph 4 in issuing a medical clearance determination. Medical conditions, behavioral problems,

and medications that impair the ability of an air traffic controller to perform his safety-related duties are material to the FAA's medical clearance determination.

6. The Application for Airman Medical Certificate informs the air traffic controller that "intentional falsification may result in federal criminal prosecution."

7. As set forth below, from January 2000 through January 2004, defendant **PAUL BEALL** hid from the FAA and Philadelphia International Airport management facts material to the determination of his medical clearance to perform the safety-related duties of an air traffic controller.

8. On or about January 11, 2000, in the Eastern District of Pennsylvania, defendant

PAUL BEALL,

in a matter within the jurisdiction of the United States Department of Transportation, an agency of the executive branch of the United States, knowingly and willfully made materially false, fictitious, and fraudulent statements and representations in the "Application for Airman Medical Certificate," also known as the FAA Form 8500-8, that he provided to the FAA during his medical examination in that defendant **PAUL BEALL:**

- a. denied ever having been diagnosed with any stomach, liver, or intestinal condition when, as the defendant knew, he had been diagnosed with such a condition in April 1998; and
- b. denied visiting with a health professional within the last three years when, as the defendant knew, he had visited with such a health professional in the past three years.

All in violation of Title 18, United States Code, Section 1001.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. The allegations contained in paragraphs 1 -7 of Count One of the indictment are incorporated here.

2. On or about January 9, 2001, in the Eastern District of Pennsylvania, defendant

PAUL BEALL,

in a matter within the jurisdiction of the United States Department of Transportation, an agency of the executive branch of the United States, knowingly and willfully made materially false, fictitious, and fraudulent statements and representations in the “Application for Airman Medical Certificate,” also known as the FAA Form 8500-8, that he provided to the FAA during his medical examination in that defendant **PAUL BEALL:**

- a. denied ever having been diagnosed with any stomach, liver, or intestinal condition when, as the defendant knew, he had been diagnosed with such a condition in April 1998; and
- b. denied visiting with a health professional within the last three years when, as the defendant knew, he had visited with such a health professional in the past three years.

All in violation of Title 18, United States Code, Section 1001.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

1. The allegations contained in paragraphs 1 -7 of Count One of the indictment are incorporated here.

2. On or about January 22, 2002, in the Eastern District of Pennsylvania, defendant

PAUL BEALL,

in a matter within the jurisdiction of the United States Department of Transportation, an agency of the executive branch of the United States, knowingly and willfully made materially false, fictitious, and fraudulent statements and representations in the “Application for Airman Medical Certificate,” also known as the FAA Form 8500-8, that he provided to the FAA during his medical examination in that defendant **PAUL BEALL:**

- a. denied ever having been diagnosed with any stomach, liver, or intestinal trouble when as the defendant knew, he had been receiving treatment and undergone a medical procedure for such condition;
- b. denied visiting with a health professional within the last three years when, as the defendant knew, he had visited with such a health professional in the past three years;
- c. denied using any medication when, as the defendant knew, he was taking prescription medication indicated for hypertension; and

- d. denied ever having been diagnosed with high blood pressure when, as the defendant knew, he was taking a prescription medication indicated for hypertension.

All in violation of Title 18, United States Code, Section 1001.

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

1. The allegations contained in paragraphs 1 -7 of Count One of the indictment are incorporated here.

2. On or about January 7, 2003, in the Eastern District of Pennsylvania, defendant

PAUL BEALL,

in a matter within the jurisdiction of the United States Department of Transportation, an agency of the executive branch of the United States, knowingly and willfully made materially false, fictitious, and fraudulent statements and representations in the “Application for Airman Medical Certificate,” also know as the FAA Form 8500-8, that he provided to the FAA during his medical examination in that defendant **PAUL BEALL:**

- a. denied ever having been diagnosed with high blood pressure when, as the defendant knew, his prior application had been deferred for further evaluation due to his hypertension.

In violation of Title 18, United States Code, Section 1001.

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

1. The allegations contained in paragraphs 1 -7 of Count One of the indictment are incorporated here.

2. On or about January 22, 2004, in the Eastern District of Pennsylvania, defendant

PAUL BEALL,

in a matter within the jurisdiction of the United States Department of Transportation, an agency of the executive branch of the United States, knowingly and willfully made materially false, fictitious, and fraudulent statements and representations in the “Application for Airman Medical Certificate,” also known as the FAA Form 8500-8, that he provided to the FAA during his medical examination in that defendant **PAUL BEALL:**

- a. denied ever having been diagnosed with high blood pressure when, as the defendant knew, his January 22, 2002 application had been deferred for further evaluation due to his hypertension; and
- b. denied having a conviction involving driving while under the influence of alcohol when, as the defendant knew, he had entered a guilty plea to a charge of driving under the influence on January 21, 2004.

All in violation of Title 18, United States Code, Section 1001.

NOTICE OF ADDITIONAL FACTORS

THE GRAND JURY FURTHER CHARGES THAT:

1. In committing the offenses charged in this indictment, defendant **PAUL**

BEALL:

- a. Committed an offense involving the conscious and reckless risk of death and serious bodily injury, as described in U.S.S.G. § 2B1.1(b)(11)(A).

A TRUE BILL:

GRAND JURY FOREPERSON

**PATRICK L. MEEHAN
UNITED STATES ATTORNEY**